

PROCEEDINGS/MINUTES OF CITY COUNCIL

...March 4, 2015...

Council convened at 2:02 p.m., Mayor John Cranley Presiding. Present were Councilmembers Flynn, Mann, Murray, Seelbach, Simpson, Sittenfeld, Smitherman, Winburn (In @2:05 p.m.) and Young.

Also in attendance were City Manager Harry Black, City Solicitor Paula Boggs Muething and Clerk of Council Melissa Autry.

Council observed a moment of silent prayer and recited the Pledge of Allegiance to the Flag.

There being no objection, Minutes of the previous session of Council were ordered Filed.

Items on the Council Calendar and items presented By-Leave were disposed of as follows:

MAYOR CRANLEY

Item #: 201500257

APPOINTMENT, submitted by Mayor John Cranley, subject to the consent of Council, I hereby recommend the appointment of Michael Patton to the Human Services Advisory Board.

Status/Recommendations:

CONFIRM

*** CONFIRMED

| | |
|----------------|---|
| MR. SITTENFELD | Y |
| MR. SMITHERMAN | Y |
| MR. WINBURN | A |
| MR. YOUNG | Y |
| MR. FLYNN | Y |
| MR. MANN | Y |
| MS. MURRAY | Y |
| MR. SEELBACH | Y |
| MS. SIMPSON | Y |

Item #: 201500258

APPOINTMENT, submitted by Mayor John Cranley, subject to the consent of Council, I hereby recommend the appointment of Jacque Edmerson to the Human Services Advisory Board.

Status/Recommendations:

CONFIRM

*** CONFIRMED

| | |
|----------------|---|
| MR. SITTENFELD | Y |
| MR. SMITHERMAN | Y |
| MR. WINBURN | A |
| MR. YOUNG | Y |
| MR. FLYNN | Y |
| MR. MANN | Y |
| MS. MURRAY | Y |
| MR. SEELBACH | Y |
| MS. SIMPSON | Y |

Item #: 201500259

APPOINTMENT, submitted by Mayor John Cranley, subject to the consent of Council, I hereby recommend the appointment of Mary Armor to the Human Services Advisory Board.

Status/Recommendations:

CONFIRM

*** CONFIRMED

| | |
|----------------|---|
| MR. SITTENFELD | Y |
| MR. SMITHERMAN | Y |
| MR. WINBURN | Y |
| MR. YOUNG | Y |
| MR. FLYNN | Y |
| MR. MANN | Y |
| MS. MURRAY | Y |
| MR. SEELBACH | Y |
| MS. SIMPSON | Y |

Item #: 201500260

APPOINTMENT, submitted by Mayor John Cranley, subject to the consent of Council, I hereby recommend the appointment of Ron Mosley to the Board of Housing Appeals.

Status/Recommendations:

CONFIRM

*** CONFIRMED

| | |
|----------------|---|
| MR. SITTENFELD | Y |
| MR. SMITHERMAN | Y |
| MR. WINBURN | Y |
| MR. YOUNG | Y |
| MR. FLYNN | Y |
| MR. MANN | Y |
| MS. MURRAY | Y |
| MR. SEELBACH | Y |
| MS. SIMPSON | Y |

Item #: 201500261

APPOINTMENT, submitted by Mayor John Cranley, subject to the consent of Council, I hereby recommend the appointment of Jessica White Ruther to the Human Services Advisory Board.

Status/Recommendations:

CONFIRM

*** CONFIRMED

| | |
|----------------|---|
| MR. SITTENFELD | Y |
| MR. SMITHERMAN | Y |
| MR. WINBURN | Y |
| MR. YOUNG | Y |
| MR. FLYNN | Y |
| MR. MANN | Y |
| MS. MURRAY | Y |
| MR. SEELBACH | Y |
| MS. SIMPSON | Y |

Item #: 201500262

APPOINTMENT, submitted by Mayor John Cranley, subject to the consent of Council, I hereby recommend the appointment of Mike Moroski to the Human Services Advisory Board.

Status/Recommendations:

CONFIRM

*** CONFIRMED

| | |
|----------------|---|
| MR. SITTENFELD | Y |
| MR. SMITHERMAN | Y |
| MR. WINBURN | Y |
| MR. YOUNG | Y |
| MR. FLYNN | Y |
| MR. MANN | Y |
| MS. MURRAY | Y |
| MR. SEELBACH | Y |
| MS. SIMPSON | Y |

MR. FLYNN

Item #: 201500282

ORDINANCE, (VERSION F) submitted by Councilmember Kevin Flynn, from Paula Boggs Muething, City Solicitor on 3/4/2015, MODIFYING the provisions of Chapter 701, "Animals, Birds, Fowl," of Title VII, "General Regulations," of the Cincinnati Municipal Code by amending Sections 701-1-D-1, "Dangerous Dog," 701-1-I, "Injury," 701-1-S. "Severe Injury," 701-1-V, "Vicious Dog," 701-2, "Leash Required," 701-14, "Seizure and Impoundment of Dog," 701-23, "Abusing Dog," and 701-99. "Penalties"; ORDAINING new Sections 701-1-M, "Menacing Fashion," 701-1-N, "Nuisance Dog," 701-1-P1, "Police Dog," 701-1-W, "Without Provocation," 701-50, "Nuisance, Dangerous, and Vicious Dogs," and 701-60, "Animal Task Force"; and REPEALING Sections 701-1-H1, "Harmless Dog," 701-4, "Dangerous Dog to be Properly Confined or Leased," 701-5, "Vicious Dog to be Properly Confined or Leashed," 701-6, "Possession of a Dangerous or Vicious Dog Prohibited," 701-7, "Possession of a Dangerous or Vicious Dog Limited," 701-8, "Dangerous and Vicious Dogs to be Registered," and 701-9, "Liability Insurance Required"; and further MODIFYING the provisions of Title XV, "Code Compliance And Hearings," of the Cincinnati Municipal Code by amending Sections 1501-3, "Class A Civil Offenses," 1501-5, "Class B Civil Offenses," 1501-7, "Class C Civil Offenses," 1501-12, "Class F Civil Offenses," 1501-14, "Class E1 Civil Offenses," and 1501-99, "Civil Fines"; and ORDAINING new Section 1501-16, "Class E2 Civil Offenses."

Status/Recommendations:

PASS

*** PASSED 0062-2015

| | |
|----------------|---|
| MR. SITTENFELD | A |
| MR. SMITHERMAN | Y |
| MR. WINBURN | Y |
| MR. YOUNG | Y |
| MR. FLYNN | Y |
| MR. MANN | Y |
| MS. MURRAY | Y |
| MR. SEELBACH | Y |
| MS. SIMPSON | Y |

MS. SIMPSON

Item #: 201500275

COMMUNICATION, dated 2/25/2015 submitted by Councilmember Simpson, from Sarah Perrino, P.E., President, APECS Cincinnati, concerning the elimination of (COLA) for non-represented employees.

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

Item #: 201500276

COMMUNICATION, dated 2/23/2015 submitted by Councilmember Simpson, from Chief Lester Stone, Cincinnati Private Police Association, regarding the City of Cincinnati not accepting renewals for commissioning of Cincinnati Special or Cincinnati Private Police Officers.

Status/Recommendations:

LAW & PUBLIC SAFETY COMMITTEE

MR. SMITHERMAN

Item #: 201500278

COMMUNICATION, dated 2/23/2015 submitted by Councilmember Smitherman, from Lenore and Roy Alsept regarding Linneman Street being made one way from Waits Avenue to Eldorado Avenue at the request of one resident.

Status/Recommendations:

NEIGHBORHOODS COMMITTEE

Item #: 201500279

COMMUNICATION, dated 2/23/2015 submitted by Councilmember Smitherman, from Krystal Alsept Beier regarding a traffic change in the Community of California on Linneman Street.

Status/Recommendations:

NEIGHBORHOODS COMMITTEE

Item #: 201500277

MOTION, dated 2/24/2015 submitted by Councilmember Smitherman, I MOVE that the city administration provide quarterly reports to Cincinnati City Council on the financial performance of the Cincinnati Retirement System.

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

CITY MANAGER

Item #: 201500265

ORDINANCE submitted by Harry Black, City Manager, on 3/4/2015, accepting and confirming the dedication of Vandercar Way, Factory Colony Lane, and portions of Marburg Avenue to public use for right-of-way purposes in accordance with the plat entitled "Oakley Station Subdivision" recorded in Plat Book 439, Pages 93-94, Hamilton County, Ohio Recorder's Office.

Status/Recommendations:

NEIGHBORHOODS COMMITTEE

Item #: 201500268

ORDINANCE submitted by Harry Black, City Manager, on 3/4/2015, authorizing the City Manager to amend an existing lease with Zinzinnati Estates, LLC for Lunken Airport Lease Area 52.

Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

Item #: 201500253

REPORT, dated 3/4/2015, submitted by Harry Black, City Manager, regarding Cincinnati Streetcar - December 2014.

Status/Recommendations:

TRANSPORTATION & REGIONAL COOPERATION COMMITTEE

Item #: 201500263

REPORT, dated 3/4/2015, submitted by Harry Black, City Manager, regarding Special Event Permit Application for Rally On The Square.

Status/Recommendations:

FILE

*** FILED

CLERK OF COUNCIL

Item #: 201500272

REGISTRATION, submitted by the Clerk of Council from Legislative Agent Alyson Beridon, Attorney, 6233 Beech View Circle, Cincinnati, Ohio 45213.

Status/Recommendations:

FILE

*** FILED

Item #: 201500271

STATEMENT, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement of Jerry L. Wilkerson, Jr., Public Services-Neighborhood Operations Superintendent.

Status/Recommendations:

FILE

*** FILED

BUDGET AND FINANCE COMMITTEE

Item #: 201500221

MOTION, dated 2/3/2015 submitted by Councilmembers Simpson, Young, Seelbach, Sittenfeld, Flynn, Winburn, Murray, Smitherman and Vice Mayor Mann, WE MOVE that, in the proposed FY 2016 Budget, the City include a 1.5% Cost of Living Adjustment for all non-Executive Level (Division 5) non-represented City employees. (STATEMENT ATTACHED)

Status/Recommendations:

ADOPT

*** ADOPTED

MR. SITTENFELD Y

MR. SMITHERMAN Y

MR. WINBURN Y

MR. YOUNG Y

MR. FLYNN Y

MR. MANN Y

MS. MURRAY Y

MR. SEELBACH Y

MS. SIMPSON Y

Item #: 201500200

ORDINANCE submitted by Harry Black, City Manager, on 2/19/2015, authorizing the City Manager to apply for, accept, and appropriate a grant in the amount of \$125,000 from the Ohio Department of Health for the purpose of funding the Creating Healthy Communities Program, which promotes healthy lifestyles through empowerment strategies and collaborative efforts to reduce cardiovascular disease, cancer, and lung disease among residents.

Status/Recommendations:

PASS

*** PASSED 0051-2015

MR. SITTENFELD Y

MR. SMITHERMAN Y

MR. WINBURN Y

MR. YOUNG Y

MR. FLYNN Y

MR. MANN Y

MS. MURRAY Y

MR. SEELBACH Y

MS. SIMPSON Y

Item #: 201500214

ORDINANCE submitted by Harry Black, City Manager, on 2/19/2015, authorizing the grant of a permanent easement over surplus City-owned property along Summer and South Streets to Duke Energy Ohio, Inc., which real property interest is no longer needed for any municipal purpose.

Status/Recommendations:

PASS

*** PASSED 0052-2015

| | |
|----------------|---|
| MR. SITTENFELD | Y |
| MR. SMITHERMAN | Y |
| MR. WINBURN | Y |
| MR. YOUNG | Y |
| MR. FLYNN | Y |
| MR. MANN | Y |
| MS. MURRAY | Y |
| MR. SEELBACH | Y |
| MS. SIMPSON | Y |

Item #: 201500234

ORDINANCE submitted by Harry Black, City Manager, on 2/25/2015, establishing a master lease purchase program for the City of Cincinnati, Ohio, and approving other matters related thereto.

Status/Recommendations:

PASS

*** PASSED 0053-2015

| | |
|----------------|---|
| MR. SITTENFELD | Y |
| MR. SMITHERMAN | Y |
| MR. WINBURN | Y |
| MR. YOUNG | Y |
| MR. FLYNN | Y |
| MR. MANN | Y |
| MS. MURRAY | Y |
| MR. SEELBACH | Y |
| MS. SIMPSON | Y |

Item #: 201500239

ORDINANCE submitted by Harry Black, City Manager, on 2/25/2015, authorizing the transfer of the sum of \$1,000 from the General Fund contractual services account no. 050x024x7200 to the General Fund personnel services account no. 050x024x7100 for the purpose of adjusting the office budget of Councilmember Christopher Smitherman.

Status/Recommendations:

PASS

*** PASSED 0054-2015

| | |
|----------------|---|
| MR. SITTENFELD | Y |
| MR. SMITHERMAN | Y |
| MR. WINBURN | Y |
| MR. YOUNG | Y |
| MR. FLYNN | Y |
| MR. MANN | Y |
| MS. MURRAY | Y |
| MR. SEELBACH | Y |
| MS. SIMPSON | Y |

Item #: 201500241

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 2/25/2015, authorizing the City Manager to accept the donation of four trained canines (three from the Matt Haverkamp Foundation and one from the Toyota Motor Group, Inc.) for use in the Cincinnati Police Department's Canine Teams, which canine teams are used for tracking purposes, article searches, personal searches and for apprehension purposes by the Cincinnati Police Department.

Status/Recommendations:

PASS EMERGENCY

*** PASSED EMERGENCY 0059-2015

MR. SITTENFELD Y

MR. SMITHERMAN Y

MR. WINBURN Y

MR. YOUNG Y

MR. FLYNN Y

MR. MANN Y

MS. MURRAY Y

MR. SEELBACH Y

MS. SIMPSON Y

Item #: 201500242

ORDINANCE submitted by Harry Black, City Manager, on 2/25/2015, authorizing the City Manager to apply for a grant in the approximate amount of \$6,593,400 through the Federal Emergency Management Agency FY2014 Staffing for Adequate Fire and Emergency Response Grant program, which grant funds will be used for the purpose of providing resources to fund two years of the salary and benefits of 40 recruits in the Cincinnati Fire Department.

Status/Recommendations:

PASS

*** PASSED 0055-2015

MR. SITTENFELD Y

MR. SMITHERMAN Y

MR. WINBURN Y

MR. YOUNG Y

MR. FLYNN Y

MR. MANN Y

MS. MURRAY Y

MR. SEELBACH Y

MS. SIMPSON Y

Item #: 201500244

ORDINANCE submitted by Harry Black, City Manager, on 2/25/2015, establishing new capital improvement program project account no. 980x233x152379 "Street Rehabilitation Grants 2015"; AUTHORIZING the City Manager to accept and appropriate grants totaling \$8,989,926 from the State Capital Improvement Program or the Local Transportation Improvement Program as awarded by the Ohio Public Works Commission to various capital improvement program project accounts; further AUTHORIZING the Finance Director to deposit any grant receipts into the appropriate capital improvement program project accounts; and further AUTHORIZING the City Manager to enter into any agreements necessary for the receipt and administration of the grants in order to complete various street rehabilitation and street improvement projects.

Status/Recommendations:

PASS

*** PASSED 0056-2015

| | |
|----------------|---|
| MR. SITTENFELD | Y |
| MR. SMITHERMAN | Y |
| MR. WINBURN | Y |
| MR. YOUNG | Y |
| MR. FLYNN | Y |
| MR. MANN | Y |
| MS. MURRAY | Y |
| MR. SEELBACH | Y |
| MS. SIMPSON | Y |

Item #: 201500245

ORDINANCE submitted by Harry Black, City Manager, on 2/25/2015, authorizing the City Manager to apply for, accept, and appropriate a Reproductive Health and Wellness grant (CFDA #93.217) from the State of Ohio, Department of Health, in the amount of \$760,000, for the purpose of improving overall health and well-being of women and men by promoting healthy lifestyles and encouraging the establishment of a reproductive life plan.

Status/Recommendations:

PASS

*** PASSED 0057-2015

| | |
|----------------|---|
| MR. SITTENFELD | Y |
| MR. SMITHERMAN | Y |
| MR. WINBURN | Y |
| MR. YOUNG | Y |
| MR. FLYNN | Y |
| MR. MANN | Y |
| MS. MURRAY | Y |
| MR. SEELBACH | Y |
| MS. SIMPSON | Y |

Item #: 201500264

ORDINANCE, (EMERGENCY) submitted by Harry Black, City Manager, on 3/2/2015, modifying the Salary Range Schedule for the employment classification of Assistant City Manager by repealing existing Section 891 of Division 1, Chapter 307 of the Cincinnati Municipal Code and ordaining in its place new Section 891 of Division 1, Chapter 307 of the Cincinnati Municipal Code to constitute the new Salary Range Schedule for said classification.

Status/Recommendations:

PASS EMERGENCY

*** PASSED EMERGENCY 0058-2015

| | |
|----------------|---|
| MR. SITTENFELD | N |
| MR. SMITHERMAN | Y |
| MR. WINBURN | Y |
| MR. YOUNG | Y |
| MR. FLYNN | Y |
| MR. MANN | Y |
| MS. MURRAY | Y |
| MR. SEELBACH | N |
| MS. SIMPSON | Y |

Item #: 201401245
REPORT, dated 10/22/2014, submitted by Harry Black, City Manager, regarding
Direct Deposit and Online Payroll Advices. (SEE DOCUMENT #201400878 FOR MOTION)

Status/Recommendations:
APPROVE & FILE
*** APPROVED AND FILED

Item #: 201401447
REPORT, dated 12/10/2014, submitted by Harry Black, City Manager, regarding
Department of Finance reports for the month ended October 31, 2014.

Status/Recommendations:
APPROVE & FILE
*** APPROVED AND FILED

Item #: 201401454
REPORT, dated 12/10/2014, submitted by Harry Black, City Manager, regarding
budget monitoring report for the period ending September 30, 2014.

Status/Recommendations:
APPROVE & FILE
*** APPROVED AND FILED

Item #: 201500128
REPORT, dated 2/4/2015, submitted by Harry Black, City Manager, regarding
Department of Finance reports for the month ended November 30, 2014.

Status/Recommendations:
APPROVE & FILE
*** APPROVED AND FILED

Item #: 201500138
REPORT, dated 2/4/2015, submitted by Harry Black, City Manager, regarding
Department of Finance reports for the month ended December 31, 2014.

Status/Recommendations:
APPROVE & FILE
*** APPROVED AND FILED

ECONOMIC GROWTH & INFRASTRUCTURE COMMITTEE

Item #: 201500237
MOTION, dated 2/19/2015 submitted by Councilmember Christopher Smitherman, I
MOVE that the administration authorize the fuel hedging manager to increase the
fuel hedging program by 18 months for a total of 36 months. I MOVE that the
administration create a separate fund to be used solely for the purchase and
expensing of fuel. On an annual basis, the gains/losses generated by the fuel

hedging program will be used to balance any losses/gains that are achieved with the actual purchase of fuel.

Status/Recommendations:

ADOPT

*** ADOPTED

| | |
|----------------|---|
| MR. SITTENFELD | A |
| MR. SMITHERMAN | Y |
| MR. WINBURN | Y |
| MR. YOUNG | Y |
| MR. FLYNN | Y |
| MR. MANN | Y |
| MS. MURRAY | Y |
| MR. SEELBACH | Y |
| MS. SIMPSON | Y |

Item #: 201500165

ORDINANCE submitted by Harry Black, City Manager, on 2/11/2015, to dedicate, accept and confirm the dedication of 0.2437 acre of City-owned real property known as Auditor's parcel numbers 79-4-283, 79-4-284 and 79-4-285 to public use for street purposes as additions to 7th Street.

Status/Recommendations:

PASS

*** PASSED 0061-2015

| | |
|----------------|---|
| MR. SITTENFELD | A |
| MR. SMITHERMAN | Y |
| MR. WINBURN | Y |
| MR. YOUNG | Y |
| MR. FLYNN | Y |
| MR. MANN | Y |
| MS. MURRAY | Y |
| MR. SEELBACH | Y |
| MS. SIMPSON | Y |

Item #: 201500240

REPORT, dated 2/25/2015, submitted by Harry Black, City Manager, regarding fuel hedging. (SEE DOCUMENT #201500062 FOR ADOPTED MOTION)

Status/Recommendations:

APPROVE & FILE

*** APPROVED & FILED

LAW & PUBLIC SAFETY COMMITTEE

Item #: 201500267

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 3/2/2015, authorizing the transfer of the sum of \$300,000 from General Fund Reserve for Contingencies account no. 050x990x7200 to the Cincinnati Police Department's General Fund operating account no. 050x222x7100 for the purpose of funding Police Visibility Overtime ("PVO") for FY 2015; and further AUTHORIZING the transfer of the sum of \$300,000 from the Emergency Communications Center's General Fund Budget account no. 050x103x7100 to the Cincinnati Police

Department's General Fund operating account no. 050x222x7100 for the purpose of funding PVO for FY 2015.

Status/Recommendations:

PASS EMERGENCY

*** PASSED EMERGENCY 0060-2015

MR. SITTENFELD Y

MR. SMITHERMAN Y

MR. WINBURN Y

MR. YOUNG Y

MR. FLYNN Y

MR. MANN Y

MS. MURRAY Y

MR. SEELBACH Y

MS. SIMPSON Y

Item #: 201500281

ORDINANCE, (VERSION E), submitted by Councilmember Flynn, MODIFYING the provisions of Chapter 701, "Animals, Birds, Fowl," of Title VII, "General Regulations," of the Cincinnati Municipal Code by amending Sections 701-1-D-1, "Dangerous Dog," 701-1-I, "Injury," 701-1-S, "Severe Injury," 701-1-V, "Vicious Dog," 701-2, "Leash Required," 701-14, "Seizure and Impoundment of Dog," 701-23, "Abusing Dog," and 701-99, "Penalties"; ORDAINING new Sections 701-1-M, "Menacing Fashion," 701-1-N, "Nuisance Dog," 701-1-Pl, "Police Dog," 701-1-W, "Without Provocation," 701-50, "Nuisance, Dangerous, and Vicious Dogs," and 701-60, "Animal Task Force"; and REPEALING Sections 701-1-H1, "Harmless Dog," 701-4, "Dangerous Dog to be Properly Confined or Leashed," 701-5, "Vicious Dog to be Properly Confined or Leashed," 701-6, "Possession of a Dangerous or Vicious Dog Prohibited," 701-7, "Possession of a Dangerous or Vicious Dog Limited," 701-8, "Dangerous and Vicious Dogs to be Registered," and 701-9, "Liability Insurance Required"; and further MODIFYING the provisions of Title XV, "Code Compliance And Hearings," of the Cincinnati Municipal Code by amending Sections 1501-3, "Class A Civil Offenses," 1501-5, "Class B Civil Offenses," 1501-7, "Class C Civil Offenses," 1501-12, "Class F Civil Offenses," 1501-14, "Class E1 Civil Offenses," and 1501-99, "Civil Fines"; and ORDAINING new Section 1501-16, "Class E2 Civil Offenses."

Status/Recommendations:

PASS

*** INDEFINITELY POSTPONED

MR. SITTENFELD A

MR. SMITHERMAN Y

MR. WINBURN Y

MR. YOUNG Y

MR. FLYNN Y

MR. MANN Y

MS. MURRAY Y

MR. SEELBACH Y

MS. SIMPSON Y

NEIGHBORHOODS COMMITTEE

Item #: 201500179

MOTION, dated 02/09/2015 submitted by Councilmembers Simpson, Young, Sittenfeld, Seelbach, Winburn and Vice Mayor Mann, We MOVE that the Administration initiate the steps necessary to determine whether to establish

Form-Based Code zoning in Pleasant Ridge and, if so, to determine the details thereof including the appropriate area subject to the Form-Based Code. We further MOVE that the Administration identify the specific amount and potential sources of funding necessary to establish Form-Based Code zoning in Pleasant Ridge. (STATEMENT ATTACHED)

Status/Recommendations:

ADOPT

*** ADOPTED

| | |
|----------------|---|
| MR. SITTENFELD | A |
| MR. SMITHERMAN | Y |
| MR. WINBURN | Y |
| MR. YOUNG | Y |
| MR. FLYNN | Y |
| MR. MANN | Y |
| MS. MURRAY | Y |
| MR. SEELBACH | Y |
| MS. SIMPSON | Y |